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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/350,197	07/08/1999	DAVID A. MONROE	58959.10.23	7703

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EXAMINER

CUMMING, WILLIAM D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/350,197

Applicant(s)

DAVID A. MONROE

Examiner

WILLIAM D. CUMMING

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-64 is/are pending in the application.
- 4a) Of the above claim(s) 50-55, 57, 59, 60, 62 and 63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-49, 56, 58, 61 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 February 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 29, 2003 has been entered.
2. Claims 45-49 and 56 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Kaku** as stated by the Office action dated April 3, 2003, paragraph 7.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

NON-FINAL REJECTION

4. Claims 58, 61, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaku** in view of **Allain, et al.**

Kaku disclose all subject matter, note the above paragraph, except for the time of day at which the input signal is received. **Allain, et al** teaches the use of the time of day at which the input signal is received (column 7, line 35 to column 8, line 2) in an apparatus for selecting one of plurality of transmission systems for the purpose of having an additional criteria that are based on cost to choose one of the transmission systems. Hence, it would have been obvious at the time the claimed invention was made to one of ordinary skill in the art to incorporate the use of the time of day at which the input signal is received, as taught by Allain, et al, in the apparatus for selecting one of plurality of transmission systems of Kaku in order to have additional criteria that are based on cost to choose one of the transmission systems.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 58, 61, and 64 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to originally support and inadequately describe the now claimed priority data comprising the time of day at which the input signal is received, as stated by claim 58. The specification stated that the "*Time of day may be a factor in choosing priorities...*" at which "*...whether a transmission is sent during peak or off peak periods,*" not which the input signal is received.

8. The amendment filed February 19, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Page 4, after line 17.

Page 7, after line 3.

9. Applicant is required to cancel the new matter in the reply to this Office Action.

10. Applicant's arguments filed August 29, 2003 have been fully considered but they are not persuasive.

"*New matter*" prohibition of 35 USC §112 plays an important role in establishing the filing date of the application as prima facie date of the invention. Patent laws do not permit the insertion of additional descriptive matter subsequent to the filing date in order to complete the disclosure so as to conform the specification's description of the invention to statutory standard (*Ex parte Maizel*, 28 USPQ2d 1662). If new matter is added to the claims, the examiner should reject the claims under 35 U.S.C. 112, first paragraph - written description requirement. *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981). It is noted that applicant's attorney failed address the new matter in the drawings of box 152 describing the step of define priority hierarchy. Also how the steps of 154 and 156 flows into box 152, the specification fails to support such flow chart. In regard to the new matter to the specification, applicant's attorney stated that all the amendments to the specification are supported by the original specification. If this is true, then such amendments is not needed since the original specification, according to applicant's attorney, support the subject matter. Then question is why applicant's attorney amended the specification only to put in duplicate subject matter? The only answer the examiner can conclude that applicant's attorney is purposely amending the specification for additional descriptive matter subsequent to the filing date in order to complete the disclosure so as to conform the specification's description of the invention to

statutory standard. Patent laws do not permit the insertion of additional descriptive matter subsequent to the filing date in order to complete the disclosure so as to conform the specification's description of the invention to statutory standard (*Ex parte Maizel*, 28 USPQ2d 1662).

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Henrick, et al, Ghisler, and Rautiola, et al all teaches the use of the time of day at which the input signal is received.

NON-FINAL REJECTION

12. AMENDMENTS NOW MUST BE SUBMITTED IN REVISED FORMAT

All amendments received by the Office on or after July 30, 2003 **must** be in compliance with the rules as required by the Revised Amendment Practice. This practice requires the submission of an amendment document that includes separate sections for amendments to the claims, drawings, specification and abstract, each beginning on a new sheet of paper. If an amendment is received as a preliminary amendment or as a *bona fide* reply under 37 CFR 1.111, that has compliant amendments to one or more separate section(s), but also includes one, or more, separate section(s) with non-compliant amendments, the Office will mail a Notice of Non-Compliant Amendment requiring correction to the non-compliant section(s) within a time period set by the Office. When making corrections, applicant should just resubmit the needed corrected section(s), and correspondingly, should not resubmit the entire amendment document. For example, if the amendment included compliant amendments to the specification and claims, and non-compliant amendments to the drawings, a notice requiring resubmission of compliant amendments to the drawings would be sent. In reply to the notice, applicant should only submit a compliant amendment to the drawings, and not the previously compliant amendments to the specification and claims. If any additional, or further, amendments to the claims are desired, the changes must be made relative to the previous compliant amendment to the claims. The Office will consider both the previous compliant amendment to the claims, and the supplemental compliant amendment to the claims, after the Office receives the compliant amendment to the drawings.

An amendment submitted on or after July 30, 2003 as part of a reply after the close of prosecution (e.g., as a reply under 37 CFR 1.116) that is not compliant with the Revised Amendment Practice will not act to toll the outstanding time period. **See 37 CFR 1.135(c)**. A notice (e.g., an advisory action) may be mailed by the Office specifying which section(s) of the amendment was not in compliance with the Revised Amendment Practice, but no new time period will be given to provide a compliant section.

REVISED FORMAT OF AMENDMENTS**Begin on separate sheets:**

Each section of an Amendment (e.g., Claim Amendments, Specification Amendments, Remarks) should begin on a separate sheet. *For example*, in an amendment containing a.) introductory comments, b.) amendments to the claims, c.) amendments to the specification, and d.) remarks, each of these sections should begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

Two versions of amended part(s) no longer required:

The current requirement in 37 CFR 1.121(b) and (c) to provide two versions (a clean version and a marked up version) of each replacement paragraph, section, substitute specification or claim will be waived where an amendment is submitted in the following format:

A) Amendments to the claims:

Each amendment document that includes a change to an existing claim, or submission of a new claim, **must include a complete listing** of all claims in the application. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (canceled), (withdrawn), (new), (previously added), (reinstated – formerly claim #_), (previously reinstated), (re-presented – formerly dependent claim #_), or (previously re-presented). The text of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated by only the claim number and status.
- (2) All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). An accompanying clean version is not required and should not be presented. Only claims of the status “currently amended” will include markings.
- (3) The text of pending claims not being amended must be presented in clean version, i.e., without any markings. Any claim presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version.
- (4) A claim may be canceled by merely providing an instruction to cancel. Listing a claim as canceled will constitute an instruction to cancel. Any claims added by amendment must be indicated as (new) and shall not be underlined.
- (5) All of the claims in each amendment paper must be presented in ascending numerical order. Consecutive canceled or withdrawn claims may be aggregated into one statement (e.g. Claims 1 – 5 (canceled)).

Example of listing of claims:

Claims 1-5 (canceled)

Claim 6 (withdrawn)

Claim 7 (previously amended): A bucket with a handle.

Claim 8 (currently amended): A bucket with a green blue handle.

Claim 9 (withdrawn)

Claim 10 (original): The bucket of claim 8 with a wooden handle.

Claim 11 (canceled)

Claim 12 (new): A bucket with plastic sides and bottom.

Claim 13 (previously added): A bucket having a circumferential upper lip.

Claim 14 (re-presented – formerly claim 11): A black bucket with a wooden handle.

B) Amendments to the specification:

Amendments to the specification may be made by presenting a replacement paragraph, section or substitute specification marked up to show changes made relative to the immediate prior version. An accompanying clean version is not required and should not be presented.

C) Amendments to drawing figures:

Drawing changes may be made by presenting replacement figures which incorporate the proposed changes and which comply with § 1.84. An explanation of the changes made must be presented in the remarks section of the amendment. If the changes to the drawing figure(s) are not approved by the examiner, applicant will be informed in the next Office action. Any replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing should not be labeled as “amended.”

Any questions regarding the submission of amendments pursuant to the revised practice set forth in this flyer should be directed to the following legal advisors in the Office of Patent Legal Administration (OPLA): Elizabeth Dougherty (Elizabeth.Dougherty@uspto.gov), Gena Jones (Eugenia.Jones@uspto.gov) or Joe Narcavage (Joseph.Narcavage@uspto.gov). For information on the waiver or legal aspects of the prototype, please contact Jay Lucas (Jay.Lucas@uspto.gov), Senior Legal Advisor (PCTLA) or Rob Clarke (Robert.Clarke@uspto.gov), Senior Legal Advisor (OPLA). Alternatively, further information may be obtained by calling OPLA at (703) 305-1616.

13. Patent Customers Advised to FAX Communications to USPTO

Facsimile transmissions of communications to the Office can significantly expedite processing of the communication within the Office. For example, when an assignment document is faxed to the Office, the average cycle time to process, record, and send a notice of recordation is one calendar day, whereas when the document is mailed to the Office, the average cycle time is 113 calendar days. See Status of Office of Public Records Services, 1269 Off. Gaz. Pat. Office 19,20 (April 1, 2003).

NON-FINAL REJECTION

With many of the facsimile numbers provided below (i.e., those numbers below with 746 or 872 after the area code in the facsimile number), a return receipt will be automatically generated that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the received cover page. The return receipt will be automatically sent to the sender's facsimile machine so long as the sender's facsimile number is properly programmed in the sending facsimile machine, and the sender's facsimile machine is available to receive a fax immediately following the original transmission. (Note that with area code changes, or with movement of a facsimile machine from one number to another, the facsimile machine's number may need to be reprogrammed.) Even if a return receipt is not desired, at least the first page of the facsimile transmission must clearly indicate the date and time the transmission is sent, an identification of the business, other entity, or individual sending the transmission, and the telephone number of the sending machine or of such business, other entity, or individual. See 47 U.S.C. 227(d)(1)(B) and 47 CFR 68.318(d). A return receipt will be attempted to be sent several times, but if a busy signal is repeatedly received, a return receipt will not be received by the sender. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to an Office action by facsimile (see 37 CFR 1.6 and 1.8). Applicants are also advised to retain the return receipt in the event that the Office has no record of the facsimile submission.

PTO Form 2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality. Note that current processing of assignment documents now permits use of a credit card, but that PTO form 2038 should be used to prevent credit card information from being included in public records. Form PTO-2038 may be downloaded at <http://www.uspto.gov/web/forms/2038.pdf> from the USPTO website.

Faxes to the Office of Initial Patent Examination

Responses to notices from the Office of Initial Patent Examination (OIPE) and requests for corrected filing receipts may be filed by facsimile. New applications (other than continued prosecution applications (CPAs) under 37 CFR 1.53(d)) may not be filed by facsimile. The following is a list of Official Facsimile Numbers for the OIPE:

Fax number for corrected Filing Receipt Requests: 703-746-9195
Fax number for Response to Notice to File
Missing Parts (drawings may not be submitted by fax): 703-746-4060
Telephone number for Customer Service: 703-308-1202

Faxes to the Technology Centers

In addition, communications may be faxed to the Technology Centers. The following is a list of Official Facsimile Numbers for the Technology Centers:

TC1600:
Before Final: 703-872-9306
After Final: 703-872-9307
Customer Service: 703-872-9305
Telephone number for customer service: (703) 308-0198

TC2800:
Before Final: 703-872-9318
After Final: 703-872-9319
Customer Service: 703-872-9317
Telephone number for customer service: (703)306-3329

TC1700:
Before Final: 703-872-9310
After Final: 703-872-9311
Customer Service: 703-872-9309
Telephone number for customer service: (703)306-5665

TC2900:
Before Final: 703-872-9322
After Final: 703-872-9323
Customer Service: 703-872-9321
Telephone number for customer service: (703)306-5648

TC2100:
Before Final: 703-746-7239
After Final: 703-746-7238
Customer Service: 703-746-7240
Telephone number for customer service: (703)306-5631

TC3600:
Before Final: 703-872-9326
After Final: 703-872-9327
Customer Service: 703-872-9325
Telephone number for customer service: (703)306-5771

TC2600:
Before Final: 703-872-9314
After Final: 703-872-9315
Customer Service: 703-872-9313
Telephone number for customer service: (703)306-0377

TC3700:
Before Final: 703-872-9302
After Final: 703-872-9303
Customer Service: 703-872-9301
Telephone number for customer service: (703)306-5648

Faxes to the Office of Patent Publication

Patent applicants are also reminded that 37 CFR 1.6(d) permits payment of an issue fee and a publication fee (if required) by facsimile transmission. When drawings are submitted with payment of an issue fee, they may be submitted by facsimile, although applicants are reminded that the facsimile process may reduce the quality of the drawings, and the Office will generally print the drawings received.

The applicable telephone numbers for payment of the issue and/or publication fee(s) by facsimile transmission are as follows:

Fax number for Issue Fee
(and any Publication Fee) Payments: (703) 746-4000

Telephone number to check on receipt
of payment (with Office of Patent Publication): (703) 305-8283

The Office of Patent Publication also handles many matters related to publication of patent applications. For example, express abandonments under 37 CFR 1.138(c) are handled by the Pre-Grant Publication Division of the Office of Patent Publication. In addition, requests to rescind a nonpublication request and notices of foreign filing should be directed to the Pre-Grant Publication Division. Questions regarding publication of patent applications (or rescissions of nonpublication requests) may also be directed by e-mail to pgpub@uspto.gov.

Fax number for PGPUB correspondence: (703) 305-8568

Telephone number for the Pre-Grant Publication Division: (703) 605-4283

Faxes of Assignment Documents

Facsimile transmission to record an assignment or other documents affecting title is also accepted. This process allows customers to submit their documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their fax machine. Credit card payments to record assignment documents are now accepted, but use of the credit card form (PTO Form-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type

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of transaction, and the fee paid by a USPTO deposit account or credit card may be submitted via facsimile. Please refer to our Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Fax number for Automated Patent
and Trademark Assignment system: 703-306-5995

Telephone number for Assignment
Division for assistance: 703-308-9723

Faxes to the Office of Petitions

Applicable correspondence may be submitted to the Office of Petitions via facsimile. For questions concerning Petitions, contact the Office of Petitions at the numbers below:

Fax number for the Office of Petitions: 703-308-6916

Telephone number for customer service and inquiries: 703-305-9282

14. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

NON-FINAL REJECTION

15. SPECIAL MAIL STOPS FOR PATENT MAIL

Effective May 1, 2003, the United States Patent and Trademark Office has a new address for some mail. See Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003). The mail stop should generally appear as the first line in the address, but the term "Mail Stop" may be abbreviated "MS". Special mail stop designations should be used to allow forwarding of particular types of mail to the appropriate areas as quickly as possible. Such mail may be forwarded to the appropriate area without being opened. Only the specified type of document should be placed in an envelope addressed to one of these special mail stops. If any documents other than the specified type identified for each special mail stop are addressed to that mail stop, they will be significantly delayed in reaching the appropriate area for which they are intended.

Some correspondence may only be submitted via the Office's electronic filing system (EFS). Instructions on how to file and what can be filed via EFS are posted on the Office's Internet Web site <http://www.uspto.gov> under the Electronic Business Center section.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
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 Alexandria, VA 22313-1450

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

U.S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window, Mail Stop _____
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

Mail Stop Designations	Explanation
Mail Stop 12	Contributions to the Examiner Education Program.
Mail Stop 313(c)	Petitions under 37 CFR 1.313(c) to withdraw a patent application from issue after payment of the issue fee and any papers associated with the petition, including papers necessary for a continuing application or a request for continued examination (RCE).
Mail Stop AF	Amendments and other responses after final rejection, other than an appeal brief.
Mail Stop Appeal Brief-Patents	For appeal briefs under 37 CFR 1.192 or reply briefs under 37 CFR 1.193(a).
Mail Stop Application Number	For fee and petitions under 37 CFR 1.182 to obtain Mail Stop Designation received and/or application number for patent applications prior to the Office's standard notification (return post card or the official "Filing Receipt," "Notice to File Missing Parts," or "Notice of Incomplete Application").

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Mail Stop Comments- Patents	Public comments regarding patent related regulations and procedures.
Mail Stop Conversion	Requests under 37 CFR 1.53(c)(2) to convert a nonprovisional application to a provisional application and requests under 37 CFR 1.53(c)(3) to convert a provisional application to a nonprovisional application.
Mail Stop CPA	Requests for Continued Prosecution Applications (CPA's) under 37 CFR 1.53(d).
Mail Stop DD	Disclosure Documents or materials related to the Disclosure Document Program.
Mail Stop Design	The filing of all design patent applications that do not request expedited examination under 37 CFR 1.55.
Mail Stop EBC	Mail for the Electronic Business Center
Mail Stop ILS	Correspondence relating to international patent classification, exchanges and standards.
Mail Stop Expedited Design	Only to be used for the initial filing of design applications accompanied by a request for expedited examination under 37 CFR 1.155. (Design applicants seeking expedited examination may alternatively file a design application and corresponding request under 37 CFR 1.155 by hand-delivering the application papers and request directly to the Design Group Director's office.)
Mail Stop Issue Fee	All communications following the receipt of a PTOL-85, "Notice of Allowance and Fee(s) Due," and prior to the issuance of a patent should be addressed to Mail Stop Issue Fee, unless advised to the contrary. Issue fee payments can also be faxed to (703)746-4000. Assignments are the exception. Assignments (with cover sheets) should be faxed to (703)306-5995 or submitted in a separate envelope and be sent to Mail Stop Assignment Recordation Services, Director - US Patent and Trademark Office as shown below.
Mail Stop Missing Parts	Reply to the Notice to File Missing Parts of Application and associated papers and fees. Note that such correspondence may also be faxed to: 703-746-4060.
Mail Stop MPEP	Submissions concerning the Manual of Patent Examining Procedure.
Mail Stop Non-Fee Amendment	Non-fee amendments to patent applications. (Use Mail Stop AF for replies after final rejection.)
Mail Stop Patent Application	New patent applications and associated papers and fees.
Mail Stop Patent Ext.	Applications for patent term extension and any communications relating thereto.
Mail Stop Petition	Petitions to be decided by the Office of Petitions including petitions to revive and petitions to accept late payment of issue fees or maintenance fees.
Mail Stop PGPUB	Correspondence regarding publication of patent applications not otherwise provided, including requests for early publication made after filing, rescission of non-publication request, corrected patent application publication, refund of publication fee.
Mail Stop PGPUB - ABD	Petitions under 37 CFR 1.138 to expressly abandon an application to avoid publication of the application.

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Mail Stop PGPub Drawings	Drawings to be included in a patent application publication (replacement drawings for drawings included with a patent application on filing).
Mail Stop PCT	Mail related to applications filed under the Patent Cooperation Treaty.
Mail Stop Provisional Patent Application	The filing of all provisional patent applications and any communications relating thereto.
Mail Stop RCE	Requests for continued examination under 37 CFR 1.114.
Mail Stop Reconstruction	Correspondence pertaining to the reconstruction of lost patent files.
Mail Stop <i>Ex Parte</i> Reexam	Requests for Reexamination for original request papers only.
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Mail Stop Reissue	All new and continuing reissue application filings.
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	communications relating to pending litigation and disciplinary proceedings; papers relating to pending litigation in court cases shall be mailed only to Office of the Solicitor, PO Box 15667, Arlington, VA 22215 and papers related to pending disciplinary proceedings before the Administrative Law Judge or the Director shall be mailed only to the Office of the Solicitor, PO Box 16116, Arlington, VA 22215.
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Mail Stop 16	Mail related to refund requests.
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Mail Stop 171	Vacancy Announcement Applications.
Mail Stop Assignment Recordation Services	All assignment documents, security interests, and other documents to be recorded in the Assignment records. Note that documents with cover sheets faxed to (703)306-5995 are processed much more quickly than those submitted by mail.
Mail Stop Congressional Relations	Mail for the Office of Congressional Relations.
Mail Stop Document Services	All requests for certified or uncertified copies of patent or trademark documents.
Mail Stop EEO	Mail for the Office of Civil Rights.
Mail Stop Enforcement	Mail for the Office of Enforcement.
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Mail Stop International Relations	Mail for the Office of International Relations.
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Questions regarding the information provided on this page should be directed to: Darnell Jayne, Legal Advisor in the Office of Patent Legal Administration, by telephone at (703) 308-6906 or by e-mail addressed to Darnell.Jayne@USPTO.gov.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner **WILLIAM D. CUMMING** whose telephone number is 703-305-4394. The examiner can normally be reached on Monday, Tuesday, Thursday, 11:30am to 8:30pm and Wednesday 6:30am to 3:30pm, EDT.
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisory primary Examiner **WILLIAM TROST** can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6075 for regular communications and 746-6075 for After Final communications.

Application/Control Number: 09/350,197

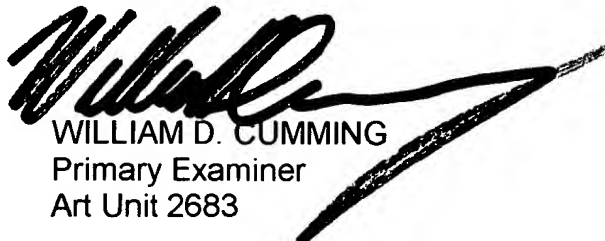
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DAVID A. MONROE

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18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


WILLIAM D. CUMMING
Primary Examiner
Art Unit 2683

wdc

November 21, 2003



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